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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT EUGENE CRINCE,

Defendant and Appellant.

A122743

(Lake County
Super. Ct. No. CR913762)

Appellant Robert Eugene Crince appeals from his conviction for possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a).) He raises a single issue, claiming sentencing error when the trial court ordered him to pay \$637.50 in attorney fees pursuant to Penal Code section 987.8 (section 987.8). He argues that imposition of attorney fees violated the statute and his right to due process because he did not receive notice that the court would consider the issue at sentencing, and he was denied a hearing. (*People v. Phillips* (1994) 25 Cal.App.4th 62, 72-73.)

In a letter to this court dated May 4, 2009, the Attorney General concedes the error, and agrees that the matter should be remanded to the trial court for further proceedings in compliance with section 987.8.

In light of these circumstances, and good cause appearing, the order imposing an obligation to pay \$637.50 in attorney fees pursuant to section 987.8 is hereby vacated, and the matter remanded for further proceedings which comply fully with that statute.

DISPOSITION

The order imposing \$637.50 in attorney fees pursuant to section 987.8 is hereby vacated, and the matter is remanded to the trial court for further proceedings under that statute. In all other respects, the judgment of conviction is affirmed.

Ruvolo, P. J.

We concur:

Sepulveda, J.

Rivera, J.